

Notice of Allowability

Application No.

09/710,921

Examiner

Thomas Duong

Applicant(s)

HAMILTON ET AL.

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/3/06.
2. ☒ The allowed claim(s) is/are 2-10, 12-20, and 22-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JASON CARDONE
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Wayne P. Bailey (Reg. No. 34,289) on August 18, 2006.
3. The application has been amended as follows:

Please amend *claims 22-30 and 33* as follow:

22. (Currently amended) A computer program product stored on a recordable-type media for scheduling the execution of a plurality of commands, said data processing system including an environment which executes commands concurrently, wherein said commands are executed without regard to a completion of execution of any other ones of said commands, said computer program product comprising:

selecting means for selecting said plurality of commands from the environment which executes commands concurrently;

a scheduler for scheduling execution of said selected plurality of commands in said environment, said scheduler comprising:

instruction means for encapsulating a first one of said plurality of commands in a first process and encapsulating a second one of said plurality of commands in a second process;

instruction means for beginning processing of said first process;

instruction means for executing said first one of said plurality of commands in response to said beginning processing of said first process, wherein said first one of said plurality of commands executes only while said first process is executing; and

instruction means for beginning processing of said second process only in response to a completion of processing of said first process.

23. (Currently amended) The computer program product stored on a recordable-type media according to claim 22, further comprising instruction means for completing processing of said first process in response to a completion of execution of said first one of said plurality of commands.

24. (Currently amended) The computer program product stored on a recordable-type media according to claim 22, further comprising instruction means for executing said second one of said plurality of commands in response to said beginning processing of said second process.

25. (Currently amended) The computer program product stored on a recordable-type media according to claim 22, further comprising instruction means for determining whether said first process is currently executing.

Art Unit: 2145

26. (Currently amended) The computer program product stored on a recordable-type media according to claim 25, wherein said instruction means for determining whether said first process is currently executing further comprises:

instruction means for establishing a return code variable for the first process;

and

instruction means for utilizing said return code variable to indicate whether said first process is currently executing.

27. (Currently amended) The computer program product stored on a recordable-type media according to claim 26, wherein said instruction means for determining whether said first process is currently executing further comprises:

instruction means for assigning a first process identifier to said first process;

and

instruction means for utilizing said first process identifier to determine whether said first process is currently executing.

28. (Currently amended) The computer program product stored on a recordable-type media according to claim 27, further comprising:

instruction means for searching a process table for said first process identifier;

instruction means for determining that said first process is executing in response to locating said process identifier in said process table; and

instruction means for determining that said first process is not executing in response to a failure to locate said process identifier in said process table,

29. (Currently amended) The computer program product stored on a recordable-type media according to claim 28, further comprising:

instruction means for setting said return code variable equal to a first value while said first process is executing; and

instruction means for setting said return code variable equal to a second value when said first process has completed executing.

30. (Currently amended) The computer program product stored on a recordable-type media according to claim 29, further comprising:

instruction means for establishing a timer for said first process;

instruction means for starting said timer in response to executing said first process; and

instruction means for testing said return code variable to determine whether said return code variable is equal to said second value upon the expiration of said timer.

33. (Currently amended) The computer program product stored on a recordable-type media according to Claim 22, wherein said first process and said second process are included in a script.

Response to Arguments

4. The Applicants' arguments and amendments filed on August 3, 2006 have been fully considered and are persuasive.

Allowable Subject Matter

5. Claims 2-10, 12-20, and 22-33 are allowed. The claims indicated include limitations that the prior arts of record do not appear to teach or render obvious, hence they are allowed.

6. The following is an examiner's statement of reasons for allowance:

As presented in the previous Office Action, Neches et al. (US004925311) teaches a *distributed environment, wherein subset groupings or partitions within a number of parallel processors are established, and that each processor carries out the assigned steps for its task asynchronously with respect to others. In addition, Neches also teaches of ordering the steps of the individual tasks to insure orderly performance and processing the tasks sequentially, that is completing a task before starting the next task until there is no more tasks to process.* Also presented in the previous Office Action, Blumenau (US006018779A) teaches of *encapsulating a plurality of commands within a single command and processing that single command, which contains plurality of encapsulated commands.*

However, the prior arts of record fail to teach or suggest individually or in combination as stated in the independent claims for *"encapsulating a first one of said plurality of commands in a first process and encapsulating a second one of said plurality of commands in a second process"* and in combination with other limitations as set forth in the independent claims, as well as Applicants' arguments presented on pages 8-11 of the After Final filed on August 3, 2006. In the fore mentioned amendment, the Applicants argued, *"the cited Blumenau reference, which is being used as teaching this claimed feature, teaches that a plurality of commands are encapsulated into a single command (see, e.g., Blumenau's Abstract). Such reference does not teach or suggest multiple processes – each with an encapsulated command – being sequentially executed"* (pg.9, lines 6-10).

Art Unit: 2145

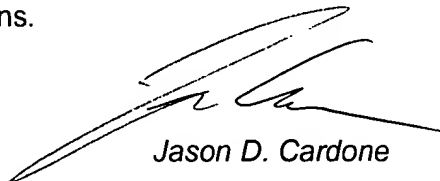
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

August 18, 2006



Jason D. Cardone

Supervisory PE (AU2145)